

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

_____	)	
JAMES BURGE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 15-279 S
	)	
NANCY A. BERRYHILL <sup>[1]</sup> , Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Patricia A. Sullivan filed a Report and Recommendation (R&R) on December 7, 2016 (ECF No. 15), recommending that Plaintiff's Motion for Reversal of the Disability Determination of the Commissioner of Social Security (ECF No. 11) be granted and that Defendant's Motion for an Order Affirming the Decision of the Commissioner (ECF No. 13) be denied. Having heard no objections and having carefully reviewed Plaintiff's Motion for Reversal of the Commissioner's

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<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill has been substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this action.

Decision, Defendant's Motion for an Order Affirming the Commissioner's Decision, and the R&R, the Court ACCEPTS the R&R and ADOPTS the recommendations therein. The Commissioner's Decision is hereby REVERSED and the case is REMANDED to the Commissioner for a rehearing consistent with the findings and recommendations articulated in the R&R.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESMITH", written over a horizontal line.

William E. Smith  
Chief Judge  
Date: February 1, 2017